

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08MD1932-MU**

**IN RE FAMILY DOLLAR FLSA
LITIGATION**

Concerning Luanna Scott case

ORDER

This matter is before the Court on Plaintiff's "Unopposed Motion for Dismissal of Claims of Scott Stoops and Shelia Prescott" filed August 11, 2011 (Doc. No. 593.) Both opt-in Plaintiffs ask this Court to dismiss their claims against Family Dollar Stores with prejudice, each party to bear its own costs because more than three years elapsed between the end of their employment with Family Dollar Stores and the filing of their Notice of Filing Consent to become Plaintiffs in this litigation. Family Dollar has no opposition to Plaintiffs' Motion.

Opt-in Plaintiff, Scott Stoops, contends that he filed his Notice of Filing Consent to Become Plaintiff on March 4, 2010. Plaintiff Stoops' employment with Family Dollar Stores as a Store Manager ended on December 3, 2006; therefore, he acknowledges that he cannot be a party plaintiff in this lawsuit as more than three years have passed before he filed his Consent Form.

Likewise, opt-in Plaintiff, Shelia Prescott filed her Notice of Filing Consent to Become Plaintiff on December 28, 2009. Plaintiff Prescott's employment with Family Dollar Stores ended

on April 22, 2006; therefore, she acknowledges that she cannot be a party plaintiff in this lawsuit as more than three years past before she filed her Consent Form.

IT IS, THEREFORE ORDERED that:

- (1) Plaintiffs' Motion to Dismiss (Doc. No. 593) is **GRANTED**. Plaintiffs' claims against Family Dollar are dismissed with prejudice, with each party to bear its own fees and costs;
- (2) The Court finds that there is no just reason to delay entry of final judgment for Family Dollar with respect to Plaintiff Scott Stoops and Plaintiff Shelia Prescott's claims against Family Dollar;
- (3) The Clerk is directed to enter final judgment, pursuant to Rule 54(b), for Family Dollar with respect to Plaintiff Scott Stoops and Plaintiff Shelia Prescott.

SO ORDERED.

Signed: August 15, 2011



Graham C. Mullen
United States District Judge

